

MEMO ENDORSEDVia ECF

Hon. Dale E. Ho
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Tepley v. Gro Intelligence, Inc. et al
23-cv-11314-DEH

Dear Judge Ho,

Application **GRANTED IN PART**. The initial pretrial conference is **ADJOURNED to May 1, 2024, at 4:00 P.M. EST**. The parties shall join the conference by dialing (646) 453 - 4442 and entering the Conference ID: 149 233 481, followed by the pound sign (#). The parties shall file the required joint status letter and proposed case management plan by **April 24, 2024**. Plaintiff shall file a notice of voluntary dismissal, amended complaint, or opposition to Defendants' motions to dismiss by **April 12, 2024**. If Plaintiff files an opposition, Defendants shall file any reply by **April 26, 2024**. So Ordered.

The Clerk of Court is respectfully directed to close the motion at ECF No. 30.

Dale E. Ho
United States District Judge
Dated: April 2, 2024
New York, New York

We are counsel to Plaintiff in this action. Pursuant to Your Honor's Individual Rules and Practices in Civil Cases, Section 2(e), and as per Order (Docket No. 27), we respectfully request an adjournment of the initial pretrial conference scheduled for April 10, 2024 to evaluate whether this case should be removed and/or refiled in New York State Supreme Court, NY County due to Defendants' motion papers asserting a statute of limitations defense and basis of dismissal.

This is the second request for adjournment. We are requesting a 30 day extension on all deadlines and conferences while we investigate when the EEOC right to sue was received by our firm and whether we would voluntarily transfer/re-file the case in state court if Plaintiff in fact filed in federal court past the 90 days allotted to file after receipt of the right to sue. Therefore, we are requesting a minimum 30 day adjournment of the April 10, 2024 conference, and hence an adjournment of the civil case management plan and joint letter that would otherwise be due tomorrow, and also a 30 day extension of time to file an opposition to the pending motion to dismiss from April 8, 2024 to May 8, 2024.

Defendants' counsel does not consent to these requests.

Thank you very much for your consideration of this matter.

Respectfully submitted,

Tiffany Ma

cc: Defendants' Counsel (via ECF)